



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 03 2007

REPLY TO THE ATTENTION OF

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Nancy McDonnell
Environmental Manager
Appleton Papers Inc.
1030 W. Alex-Bell Road
West Carrollton, Ohio 45449

Dear Ms. McDonnell:

This is to advise you that the United States Environmental Protection Agency (U.S. EPA) has determined that the Appleton Papers Inc. facility at 1030 West Alex-Bell Road, West Carrollton, Ohio (Appleton or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. A Finding of Violation (FOV) for these violations is being issued and is enclosed for your review.

Section 608 of the Act, 42 U.S.C. § 7671g, requires the Administrator of U.S. EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of "Class I" and "Class II" ozone-depleting substances. On May 14, 1993, in accordance with Section 608 of the Act, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to Recycling and Emissions Reduction (the Subpart F regulations).

Ozone depletion will increase the amount of UVB and the risk of nonmelanoma skin cancer and plays a major role in malignant melanoma development. In addition, UVB has been linked to cataracts. All sunlight contains some UVB, even with normal ozone levels.

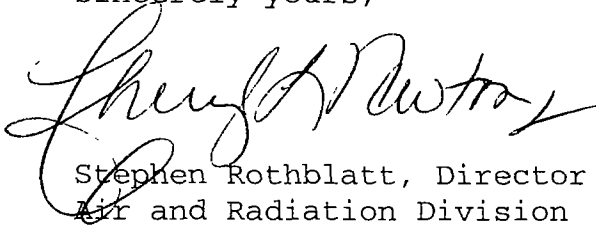
U.S. EPA finds that the Appleton facility has violated the requirements of Subpart F of the CAA.

Section 113 of the CAA gives us several enforcement options to resolve these violations. Before we decide which enforcement

option is appropriate, Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The U.S. EPA contact in this matter is Charmagne Ackerman. You may call her at (312) 886-0448 if you wish to request a conference. U.S. EPA hopes that this FOV will encourage Appleton's compliance with the requirements of the Clean Air Act.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Agency

John Paul, Director
Regional Air Pollution Control Agency

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
)	
Appleton Papers, Inc.)	FINDING OF VIOLATION
West Carrollton, Ohio)	
)	EPA-5-07-OH-21
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

NOTICE AND FINDING OF VIOLATION

Appleton Papers, Inc. (you or Appleton) owns and operates ten industrial process refrigeration units with normal charges of over 50 pounds, including the following units at 1030 West Alex-Bell Road, West Carrollton, Ohio (Facility). The appliances are identified as M0370, M2887, M5655, M6602, M6642, M6687, M7190, M7193, M8177, and M8434.

U.S. EPA is sending this Finding of Violation (FOV or Notice) to you for violating Section 608 of the Clean Air Act (Act), 42 U.S.C. § 7671g. Specifically, Appleton has violated the Protection of Stratospheric Ozone Standards at 40 C.F.R. Part 82, Subpart F, Recycling and Emissions Reduction. The underlying statutory and regulatory requirements include provisions of the Clean Air Act (the Act or CAA) and its implementing regulations.

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the Facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

1. The regulatory and facility requirements relevant to this FOV are as follows:
 - a. Section 608 of the Act, 42 U.S.C. § 7671g, requires the Administrator of EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of "Class I" and "Class II" ozone-depleting substances.
 - b. On May 14, 1993, in accordance with Section 608 of the Act, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to Recycling and Emissions Reduction (the Subpart F regulations).
 - c. 40 C.F.R. § 82.150(b) provides that the Subpart F regulations apply to any "person" servicing, maintaining, or repairing "appliances," as those terms are defined at 40 C.F.R. § 82.152.
 - d. The Subpart F regulations, at 40 C.F.R. § 82.156(i)(2), require that an owner or operator of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 35 percent during a twelve month period.
 - e. The Subpart F regulations, at 40 C.F.R. § 82.156(i)(9), require that owners or operators of industrial process refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(2) within 30 days after discovery of the leak.
 - f. The Subpart F regulations, at 40 C.F.R. § 82.156(i)(3), require that an owner or operator of industrial process refrigeration equipment conduct an initial verification test at the conclusion of the repair efforts.

- g. The Subpart F regulations, at 40 C.F.R. § 82.156(i)(3), require that an owner or operator of industrial process refrigeration equipment conduct a follow-up verification test within 30 days after the initial verification test.
- h. The Subpart F regulations, at 40 C.F.R. § 82.156(i)(6), state that an owner or operator of industrial process refrigeration equipment are not required to repair a leak if they develop a one-year retrofit and retirement plan within 30 days of discovering the exceedance of the applicable leak rate or within 30 days of a failed follow-up verification test. The plan must be dated and kept at the site of the appliance.
- i. The Subpart F regulations, at 40 C.F.R. § 82.156(i)(3)(ii), require that an owner or operator of industrial process refrigeration equipment must retrofit or retire such equipment within one year of failing the follow-up verification test.
- j. The Subpart F regulations, at 40 C.F.R. § 82.156(i)(3)(iii), require that an owner or operator of industrial process refrigeration equipment that fails a follow-up verification test must notify U.S. EPA within 30 days of the failed follow-up verification test.
- k. The Subpart F regulations, at 40 C.F.R. § 82.166(k), require that the owner or operator of industrial process refrigeration equipment must keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added. The owner/operator must keep records of refrigerant purchased and added to such appliances in cases where owners add their own refrigerant. Such records should indicate the date(s) when refrigerant is added.

- 2. Appleton owns and operates a paper manufacturing facility in West Carrollton, Ohio (the Facility). The Facility contains ten industrial process refrigeration units with normal charges of over 50 pounds, including the following units:

- a. M0370
- b. M2887
- c. M6602
- d. M6642

The industrial process refrigeration units referenced above are "appliances," as defined in 40 C.F.R. § 82.152, and use the Class II refrigerant R-22.

- 3. Between July 1, 2002 and June 1, 2006, the industrial process refrigeration units, M0370, M2887, M6602, and M6642 all experienced leaks that resulted in an annual leak rate exceeding 35 percent.
- 4. The repairs made to M0370 on September 26, 2002, were unable to bring the annual leak rate to below 35 percent.
- 5. Appleton failed to perform initial verification tests to verify that the repairs performed on September 26, 2002, had brought the leak rate of M0370 to below 35 percent.
- 6. Appleton failed to perform follow-up verification tests to verify that the repairs performed on September 26, 2002 had brought the leak rate of the M0370 to below 35 percent.
- 7. Appleton did not develop retrofit or retirement plans for M0370 when repairs performed on September 26, 2002, were unable to bring the leak rate to below 35 percent.
- 8. Appleton did not retrofit or retire M0370 within one year when repairs performed on September 26, 2002, were unable to bring the leak rate to below 35 percent.
- 9. Appleton did not notify the U.S. EPA after repairs on M0370 on September 26, 2002, failed to bring the leak rates to below 35 percent.
- 10. The repairs made to M2887 on the following dates were unable to bring the annual leak rate to below 35 percent:
 - a. October 22, 2002
 - b. August 26, 2003

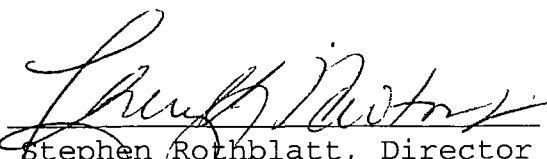
11. Appleton failed to perform initial verification tests to verify that the repairs performed on August 26, 2003 had brought the leak rate of M2887 to below 35 percent on.
12. Appleton failed to perform follow-up verification tests to verify that the repairs performed on the following dates had brought the leak rate of M2887 to below 35 percent:
 - a. October 22, 2002
 - b. August 26, 2003
13. Appleton did not develop retrofit or retirement plans for M2887 when repairs performed on October 22, 2002, were unable to bring the leak rate to below 35 percent.
14. Appleton did not retrofit or retire M2887 within one year when repairs performed on October 22, 2002, were unable to bring back the leak rate below 35 percent.
15. Appleton did not notify the EPA after repairs on M2887 on the following dates failed to bring the leak rates to below 35 percent:
 - a. October 22, 2002
 - b. August 26, 2003
16. The repairs made to M6642 on the following dates were unable to bring the annual leak rate to below 35 percent:
 - a. September 1, 2005
 - b. November 10, 2005
 - c. December 8, 2005
17. Appleton failed to perform an initial verification test to verify that the repairs performed on November 10, 2005 had brought the leak rate of M6642 to below 35 percent.
18. Appleton failed to perform follow-up verification tests to verify that the repairs performed on the following dates had brought the leak rate of M6642 to below 35 percent:
 - a. September 1, 2005
 - b. November 10, 2005
 - c. December 8, 2005
19. Appleton did not develop retrofit or retirement plans for M6642 when repairs performed on September 1, 2005 were unable to bring the leak rate to below 35 percent.

20. Appleton did not retrofit or retire M6642 within one year when repairs performed on September 1, 2005 were unable to bring back the leak rate below 35 percent.
21. Appleton did not notify the EPA after repairs on M6642 on the following dates failed to bring the leak rates to below 35 percent:
 - a. September 1, 2005
 - b. November 10, 2005
 - c. December 8, 2005
22. The repairs made to M6602 on January 15, 2004, were unable to bring the annual leak rate to below 35 percent.
23. Appleton failed to perform follow-up verification tests to verify that the repairs performed on January 15, 2004 had brought the leak rate of the M6602 to below 35 percent.
24. Appleton did not develop retrofit or retirement plans for M6602 when repairs performed on January 15, 2004, were unable to bring the leak rate to below 35 percent.
25. Appleton did not retrofit or retire M6602 within one year when repairs performed on January 15, 2004, were unable to bring back the leak rate below 35 percent.
26. Appleton did not notify the EPA after repairs on M6602 on January 15, 2004, failed to bring the leak rates to below 35 percent.
27. Appleton failed to keep records documenting to which unit refrigerant was added to on the following dates:
 - a. July 2, 2002
 - b. May 13, 2003
 - c. March 31, 2005

Environmental Impact of Violations

Violation of stratospheric ozone protection standards increases public exposure to UVB and the risk of non-melanoma skin cancer and UVB plays a major role in malignant melanoma development. In addition, UVB has been linked to cataracts.

8/3/07
Date


Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-07-OH-21, by Certified Mail, Return Receipt Requested, to:

Ms. Nancy McDonnell
Environmental Manager
Appleton Papers Inc.
1030 W. Alex-Bell Road
West Carrollton, Ohio 45449

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

John Paul, Director
Regional Air Pollution Control Agency
Montgomery County Health Dept.
117 South Main Street
Dayton, Ohio 45422-1280

on the 3rd day of August, 2007.

CERTIFIED MAIL RECEIPT NUMBER: 700103200005 89191907